

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 09-50435-BC
Honorable Thomas L. Ludington

JOSEPH DAVIS,

Defendant.

ORDER REJECTING PROPOSED ORDER DIRECTING GARNISHMENT

On April 14, 2009, upon receiving Plaintiff's application, the Court issued a continuing writ of garnishment as to Defendant Joseph Davis and proposed garnishee Delta Tube. On or about April 27, 2009, Delta Tube answered, stating in part that Defendant had been laid off from Delta Tube effective April 20, 2009. Now before the Court is Plaintiff's proposed order directing Delta Tube to pay, which states in part, "the garnishee having filed its answer stating that Joseph Davis is an employee, no objection, claim for exemption or motion to quash having been filed. . . ." Notably, the proposed order is inaccurate as Delta Tube did not state that Defendant "is an employee"; rather, Delta Tube stated that Defendant had been laid off. Given the inaccuracy of the proposed order, and the apparent lack of necessity for any objection or claim for exemptions under such circumstances, Plaintiff's proposed order will be rejected.

Accordingly, it is **ORDERED** that Plaintiff's proposed order is **REJECTED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 12, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 12, 2010.

s/Tracy A. Jacobs

TRACY A. JACOBS